



JUN 22 2004

TECH CENTER 1600/2830

PATENT
13024/35946

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

McMICHAEL et al.

Serial No.: 09/495,186

Filed: February 1, 2000

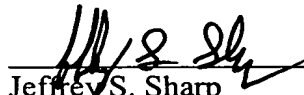
For: TREATMENT OF SYMPTOMS
OF ASTHMA, ALLERGIES AND
OTITIS MEDIA

Group Art Unit: 1632

Examiner: Michael C. Wilson

) I hereby certify that this paper and
) the documents referred to as
) enclosed therewith are being
) deposited with the United States
) Postal Service as first class mail,
) postage prepaid, in an envelope
) addressed to Mail Stop Petition,
) Commissioner for Patents, P.O.
) Box 1450, Alexandria, Virginia
) 22313-1450 on this date:

June 10, 2004

) 
) Jeffrey S. Sharp
) Registration No. 31,879
) Attorney for Applicants

**PETITION TO WITHDRAW HOLDING OF
ABANDONMENT (37 C.F.R. § 1.181(a))**

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

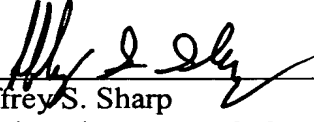
This paper is filed in response to the Notice of Abandonment mailed on May 18, 2004. The notice of abandonment alleges that applicants failed to timely file a response to the Office Action mailed on September 11, 2003. As established by the enclosed documents, this assertion is incorrect. A transmittal of Applicants' Response After Final Rejection Under 37 C.F.R. § 1.116 (with Exhibits A, B & C); a Petition for a Three-Month Extension of Time; a Request for Continued Examination (RCE); appropriate certificates of mailing for each document dated March 8, 2004; and our check in the amount of \$860.00 (Exhibit A) were sent to the Patent Office in a timely fashion. In fact, all of the above-noted documents were received by the Patent Office on March 11, 2004 as indicated by the attached copy of the stamped return receipt postcard (Exhibit B).

Please withdraw the holding of abandonment and issue this application. Applicants understand that no fees are due in connection with this petition. However, if any fees are due, the Commissioner is authorized to deduct said fees from deposit Account No. 13-2855.

Respectfully submitted,

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